

such as may occur and be approved by the Governor during the fiscal years ending August 31, 1909, August 31, 1910, and August 31, 1911, being for claims registered in the Comptroller's office in accordance with law, and for outstanding claims not registered, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WEINERT, Acting Chairman.

Committee Room,

Austin, Texas, April 16, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Finance, to whom was referred

Senate bill No. 7, A bill to be entitled "An Act transferring the balances now to the credit, and future sums which may accrue, of the pure food fund, quarantine fees fund, Galveston station, and the Tyler city subsidy bond account into the general revenue of the State, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WEINERT, Acting Chairman.

FOURTH DAY.

Senate Chamber,

Austin, Texas,

Monday, April 19, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Harper.	Paulus.
Hudspeth.	Veale.

Prayer by Rev. Arthur F. Bishop.
Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

EXCUSED.

On account of important business:

Senator Mayfield for last week, on motion of Senator Masterson.

Senator Bryan for last week, on motion of Senator Terrell of Bowie.

Senator Senter for last week, on motion of Senator Adams.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 10, A bill to be entitled "An Act creating the Irving Independent School District in Dallas county, Texas; defining its boundaries; providing for the election of a board of trustees to manage and control the public free schools within said district; investing said district with the rights, powers, privileges and duties of a town or village incorporated for free school purposes only under the general laws, and declaring an emergency."

House bill No. 15, A bill to be entitled "An Act to amend Subdivision 6, Section 8 of Article 2, Chapter 71 of the local and special laws of Texas, passed at the Regular Session of the Thirtieth Legislature, entitled 'An Act to grant a new charter to the city of Dallas, Dallas county, Texas; repealing all laws or parts of laws in conflict herewith,' and declaring an emergency."

House bill No. 13, A bill to be entitled "An Act to reorganize the Thirty-fifth Judicial District; to name the counties composing the same; to fix the terms of holding courts therein; to provide for the extension and return of process issued out of said courts; and to repeal all laws and parts of laws in conflict therewith."

House bill No. 16, A bill to be entitled "An Act creating the Stamford Independent School District in Jones county, Texas; defining its boundaries; providing for the election of a board of trustees to manage and control the public free schools within said district; investing said district with the rights,

powers, privileges and duties of a town or village incorporated for free school purposes only under the general laws, and declaring an emergency."

Also House Concurrent Resolution No. 3, providing for transferring a portion of the contingent fund, with engrossed rider.

House bill No. 2, A bill to be entitled "An Act to provide for the more effective regulation and supervision of banks of deposit or discount, or both of deposit and discount and banking and trust companies in this State, incorporated under and by virtue of the provisions of Chapter 10 of the Acts of the First Called Session of the Twentieth Legislature of the State of Texas, and known as the State Banking Law; providing additional safeguards for the protection of the depositors and other creditors of such institutions; providing that all institutions shall be mutually liable pro rata within certain limitations for the payment of the liabilities of each such institution to its guaranteed depositors, and defining the guaranteed deposits and the guaranteed depositors of such institutions; providing for the creation of a State Banking Board, and describing its powers and duties; prescribing additional powers and duties of the Commissioner of Insurance and Banking, and providing for the issuance by such Commissioner of all charters for such institutions; requiring all such institutions to hereafter hold certificates of authority to transact the banking business; providing for the creation of the State bank guaranty fund, and for its maintenance and use in the payment of guaranteed depositors of such institutions; providing for the making good of any impairment of the capital stock of such institutions; prescribing the conditions upon which it shall be the duty of the Commissioner of Insurance and Banking or the State Banking Board to close and take possession of the property and business of such institutions, and providing for their liquidation, and for the payment of their liabilities to their guaranteed depositors out of the State bank guaranty fund; providing the amount of capital stock required to be maintained by such institutions in proportion to their deposits; providing for frequent and thorough examination of State banks and other banks subject by law to examination and supervision, and for the appointment of the necessary number of examiners for that purpose, and providing for their compensa-

tion; prescribing the terms upon which State banks may make loans upon the collateral security of their own shares of stock; limiting the indebtedness of State banks; regulating the pledging of their securities as collateral for money borrowed, and the making of loans upon the collateral security of shares of stock in other banking corporations; prescribing the time within which the loans of State banks shall mature; prescribing an oath to be taken by directors of State banks; and requiring reports to be made at regular meetings of the board of loans and discounts made during the preceding month; making it a penal offense for officers or employes of State banks to embezzle, abstract or wilfully misapply its money, funds or securities, or to issue evidences of indebtedness or bind such banks for the payment of any indebtedness without the authority of the board of directors, or to aid, or abet, any such offense, or for an active officer of a State bank to unlawfully borrow any of its funds, or for an officer or director to loan or consent to the loaning of its funds unlawfully to an active officer, or for the Commissioner of Insurance and Banking, or any examiner or special agent to fail and refuse to give notice of violations of the criminal provisions of the laws of this State coming to their attention or for any officer, director, agent or employe of any State bank to knowingly and wilfully do any act, as such, expressly forbidden by law, or to omit to perform any duty imposed by law, or for any officer or director of a State bank to make or concur in, or consent to, the making of any loan not authorized by law; or for any officer, clerk or agent of any State bank to certify any check before the amount thereof shall have been regularly entered to the credit of the drawer thereof; providing that National banking associations shall avail themselves of certain provisions of this act, and providing that any bank or trust company created by virtue of a special act of the Legislature of Texas under certain conditions may avail itself of the provisions of this act; to prohibit any officer or employe from becoming indebted to or financially interested, other than as a depositor, in any State bank or State banking and trust company, and providing for penalties for violations; and providing for the establishment of savings departments and for their regulation, and generally defining offenses against the banking laws of this State, and prescribing penalties for all such

offenses so defined, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills (see above Message for captions of):

House bill No. 2, referred to Committee on Insurance, Statistics and History.

House bill No. 13, referred to Committee on Judicial Districts.

House bill No. 16, referred to Committee on Educational Affairs.

House bill No. 15, referred to Committee on Towns and City Corporations.

House bill No. 10, referred to Committee on Educational Affairs.

House Concurrent Resolution No. 3, referred to Committee on Contingent Expenses.

EXECUTIVE MESSAGE.

Executive Office,
State of Texas.

Austin, Texas, April 15, 1909.

To the Senate and House of Representatives:

By virtue of authority vested in me by Section 40, Article 3 of the Constitution of the State of Texas, I hereby designate and present to you for your consideration and for legislation the following subjects:

1. Legislation providing the necessary funds by appropriation from the general revenues of the State to be used in the operation of the iron industry at the State Penitentiary at Rusk, Texas; and providing for the return of such funds to the general revenues of the State from the net revenues of the penitentiary system.

2. Such legislation as may be deemed necessary or proper for the examination, regulation, control and supervision of guaranty and surety companies doing business in this State, as will afford full protection for the State of Texas, the counties and citizens of this State accepting their contracts of suretyship.

3. Legislation creating the Lubbock Independent School District in Lubbock county; the Robert Lee Independent School District in Coke county, Texas;

the Bronte Independent School District in Coke county, Texas; and legislation amending the act creating the Garland Independent School District in Dallas county, Texas.

4. Legislation amending the laws respecting appeals of defendants under conviction for felonies and the condition of such appeal bonds; and amending the procedure in civil cases in reference to the pleadings, instructions to the juries and appeals; and amending the Penal Code and Code of Criminal Procedure in reference to trials, motion for new trials and appeals.

5. Legislation to regulate the granting by the State of charters to corporations and permits to corporations to do business in this State.

6. Legislation pertaining to the election, qualification, bond and duties of the State Treasurer, Comptroller of Public Accounts, Commissioner of the General Land Office, and the employees of said departments, and providing an adequate system of accounting, bookkeeping and auditing of the accounts of the respective departments, and for such general revision of the laws relating to said departments of the State Government as the Legislature may deem necessary; and legislation amending the laws relating to the duties of the county tax assessors and collectors and the county clerks, Comptroller of Public Accounts and State Treasurer, with respect to the revenue laws and providing for a complete system of accounting, bookkeeping and auditing of such accounts; and providing for a system of apportioning, distributing and accounting of the available school funds of the State, county and city school districts; providing procedure and prescribing the duties of the Superintendent of Public Instruction, Comptroller of Public Accounts and treasurers of school funds; and to enact such laws or repeal such existing laws as may be necessary to put into effect a complete system of accounting, auditing and bookkeeping of the departments of the Comptroller, General Land Office, State Treasurer and tax collectors as contemplated and authorized under and by virtue of the laws relating to such subjects passed by the First Called Session or the Thirtieth Legislature.

7. Legislation amending Subdivision 61, Article 642 of the Revised Civil Statutes, authorizing the formation of corporations for the construction and operation of interurban, electric, gas and gasoline, denatured alcohol and

naphtha motor railways; giving such railways the power of eminent domain and providing for regulation thereof.

8. Legislation providing for refunding a portion of the public debt, and the retirement of certain bonds of the State of Texas, maturing on the first day of July, 1909, and those maturing on September 1, 1910; and providing for the execution of new bonds in lieu thereof, and such further legislation with respect to this subject as may be appropriate and necessary.

T. M. CAMPBELL,
Governor of Texas.

BILLS AND RESOLUTIONS.

By Senator Holsey:

Senate bill No. 14, A bill to be entitled "An Act for the regulation, supervision and control of the business of banking, and to provide penalties for its violation and the establishing of a State Banking Board and the creation of a guarantee fund under the supervision thereof."

Read first time, and referred to Committee on Insurance, Statistics and History.

By Senator Terrell of Bowie:

Senate bill No. 15, A bill to be entitled "An Act to amend the city charter of the city of Texarkana, Texas, and the acts amendatory of said city charter, and to amend an act entitled 'An Act to incorporate the city of Texarkana, Texas, as a city of the first class as a city of 10,000 and over of inhabitants to grant to the city a special charter to repeal all laws in conflict herewith, and declaring an emergency,' passed by the Thirtieth Legislature of the State of Texas, approved May 2, 1907, by adding thereto Section 192a, requiring railroad companies owning or operating railroad tracks across Elm street; Oak street and Spruce street in said city to construct a viaduct on one of said streets, and declaring an emergency."

Read first time, and referred to Committee on Towns and City Corporations.

By Senator Ward:

Senate bill No. 16, A bill to be entitled "An Act providing that with the exception of foreign corporations which may be required or whose agents within this State may be required to procure from the Commissioner of Insurance and Banking a certificate of authority to do business within this State, any foreign corporation, as a condition precedent to doing within this State any business

whatever, except interstate business, or to establishing or maintaining within this State a general or special officer therefor, shall obtain from the Secretary of State and have a current permit to do business within this State, and making it a misdemeanor for any officer, agent, representative or employe of such corporation, in the name or on behalf of or for such corporation, to do any business whatever within this State, except interstate business, or to establish or maintain within this State any general or special office therefor, unless such corporation shall have first obtained and shall have from the Secretary of State a current permit to do business within this State; defining what foreign corporations may obtain such permit from the Secretary of State; prescribing the manner of obtaining such permit and fixing the duration thereof; prescribing and defining the rights, powers, privileges and duties of corporations obtaining such permit; providing for the surrender of such permit; denying to corporations embraced by this act the right to maintain any suit or action in any of the courts of this State upon any demand, whether arising out of contract or tort, unless at the time such contract shall be made or tort shall be committed, such corporation shall have obtained such permit; providing penalties and punishments for violations of provisions of this act and for the enforcement of such penalties and punishments; providing procedure in such cases; providing that civil suits for the enforcement of any of the provisions of this act shall be brought by the Attorney General or by the district or county attorney of the county in which such suit may be brought under the direction of the Attorney General and fixing venue of such suits; prescribing rules of evidence relating to such permit, or certified copy thereof; repealing Chapter 17 of Title 21 of the Revised Statutes, and Chapter 78 of the General Laws of the Regular Session of the Twenty-first Legislature, and Chapter 119 of the General Laws of the Regular Session of the Twenty-fifth Legislature; making the provisions of this act cumulative of all existing laws, except such as are expressly repealed by this act; and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Alexander:

Senate bill No. 17, A bill to be entitled "An Act to amend Article 642 of the

Revised Civil Statutes of Texas of 1895, as amended by Chapter 130, Acts of the Twenty-fifth Legislature; Chapter 43, Acts of the Twenty-sixth Legislature; Chapter 43, Acts of the Twenty-seventh Legislature, and Chapter 129 of the Twenty-eighth Legislature; Chapter 62, Acts of the Twenty-ninth Legislature; Chapter 15, Acts of the Thirtieth Legislature, by amending Subdivision 61 thereof, and authorizing the formation of corporations for the construction and operation of interurban, electric, gas or gasoline, denatured alcohol or naphtha motor railways, and declaring an emergency."

Read first time, and referred to Committee on Internal Improvements.

By Senators Peeler and Watson:

Senate bill No. 18, A bill to be entitled "An Act concerning surety companies authorized to transact business in this State and their agents, and to permit such companies and such agents to form an association for the purpose of gathering statistics, exchanging experiences and ascertaining the fair and reasonable rates to be paid them for their suretyship, and to maintain such rates, and to prevent losses arising from dishonesty or dereliction of duty of public officers, trustees and others, and to prevent discriminations, favoritism or rebates, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

Morning call concluded.

(By unanimous consent after the morning call had been concluded.)

(Senator Brachfield in the chair.)

By Senators Sturgeon, Bryan and Veale:

Senate bill No. 19, A bill to be entitled "An Act relating to the election, qualification and duties of the Commissioner of the General Land Office and his employees; providing a complete system of accounting, bookkeeping and auditing such accounts; prescribing rules and methods for the collection of fees, and keeping land accounts and collecting principal and interest on lands sold; providing system of accounting with the State Treasurer and the Comptroller of Public Accounts; providing for a general revision of the laws relating to the General Land Office."

Read first time, and referred to Committee on State Affairs.

By Senators Sturgeon, Bryan and Veale:

Senate bill No. 20, A bill to be entitled

"An Act to amend Articles 3923, 3924, 3926a and 3926b, and to repeal Article 3924a, Chapter 8, Title 86 of the Revised Statutes of 1895; providing a system of apportioning, distributing and accounting of the available school fund of the State, county, city and school districts; providing procedure; prescribing duties of Superintendent of Public Instruction, Comptroller and treasurers of school funds."

Read first time, and referred to Committee on State Affairs.

By Senators Bryan, Veale and Sturgeon:

Senate bill No. 21, A bill to be entitled "An Act to constitute the Governor, the chairman of the Railroad Commission and Secretary of State a board of accounting to put in force a system of accounting for the departments of Comptroller, General Land Office and Treasury, in pursuance of the provisions of the laws passed by the First Called Session of the Thirty-first Legislature; making an appropriation to carry them into effect; and declaring an emergency."

Read first time, and referred to Committee on State Affairs.

By Senators Veale, Sturgeon and Bryan:

Senate bill No. 22, A bill to be entitled "An Act to repeal Articles 2830, 2833, 2837, 2840, 2841 and 2842 of Chapter 2 of Title 52; to repeal Article 2892 of Chapter 5 of Title 52; to repeal Articles 5127, 5130, 5132, 5134, 5135 and 5153 of Chapter 3, Title 104; to repeal Articles 5162 and 5172 of Chapter 4, Title 104, and to repeal Article 5217, Chapter 5, Title 104 of the Revised Statutes of 1895."

Read first time, and referred to Committee on State Affairs.

By Senators Veale, Sturgeon and Bryan:

Senate bill No. 23, A bill to be entitled "An Act providing for the election, qualifications, bond and duties of the State Treasurer, and the duties of his employees; providing a complete system of accounting, bookkeeping and auditing the accounts of the Treasury Department; providing for the appointments of a chief clerk, prescribing his duties; providing methods for the receiving and handling of all funds, warrants and other claims."

Read first time, and referred to Committee on State Affairs.

By Senators Veale, Bryan and Sturgeon:

Senate bill No. 24, A bill to be entitled "An Act providing for the election, qualification, bond and duties of the Comptroller of Public Accounts, the duties of his employees; providing a complete system of accounting, bookkeeping and auditing of accounts of the department and of other departments and officers of the government; providing that the Comptroller shall prepare forms to be used exclusively in making reports and claims; providing a system for the collection and handling of revenue of all kinds; providing for appointment of chief clerk, and prescribing his duties; providing for filling vacancies."

Read first time, and referred to Committee on State Affairs.

By Senators Veale, Bryan and Sturgeon:

Senate bill No. 25, A bill to be entitled "An Act relating to and prescribing the duties of the county tax assessors and collectors, and the county clerks, Comptroller and State Treasurer, with reference to the assessment and collection of taxes; providing a complete system of accounting, bookkeeping and auditing of such accounts; prescribing rules and methods for keeping accounts, collecting and disbursing taxes of all kinds, including delinquent and insolvent taxes; providing for payment of compensation and reimbursing counties; providing for and establishing rules and methods for furnishing forms, checking accounts and making reports by the assessors, collectors, county clerks, Comptroller and treasurers."

Read first time, and referred to Committee on State Affairs.

SENATE BILL NO. 5.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 5, A bill to be entitled "An Act making appropriations for the deficiencies in the appropriations heretofore made for the support of the State Government for the fiscal years ending August 31, 1905, August 31, 1906, August 31, 1907, August 31, 1908, and August 31, 1909 and to pay deficiencies such as may occur and be approved by the Governor during the fiscal years ending August 31, 1909, August 31, 1910, and August 31, 1911, being for claims registered in the Comptroller's office in accordance with laws, and for

outstanding claims not registered, and declaring an emergency."

(Senator Brachfield in the chair.)

Senator Willacy offered the following amendment, which was read and adopted:

Amend by adding Section 2 to the bill to read as follows:

"Section 2. The fact that no money is available to pay claims herein specified and that creates an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days and said rule is accordingly hereby suspended, and this bill be placed upon its third reading and final passage, and it is so enacted."

Bill read second time, and ordered engrossed.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Willacy.
Murray.	

Absent.

Greer.	Paulus.
Harper.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Mayfield.	Veale.
Meachum.	Weinert.

The bill was read third time, and passed by the following vote:

Yeas—21.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Willacy.
Murray.	

Absent.

Greer.	Hudspeth.
Harper.	Mayfield.

Meachum.	Terrell of McLennan.
Paulus.	Veale.
Terrell of Bowie.	Weinert.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 7.

The Chair laid before the Senate, on second reading and regular order,

Senate bill No. 7, A bill to be entitled "An Act transferring the balances now to the credit, and future sums which may accrue, of the pure food fund, quarantine fees fund, Galveston station, and the Tyler city subsidy bond account into the general revenue of the State, and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Hayter.	Terrell of McLennan.
Holsey.	Thomas.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Willacy.
Murray.	

Absent.

Harper.	Paulus.
Hudspeth.	Terrell of Bowie.
Mayfield.	Veale.
Meachum.	Weinert.

The bill was read third time, and passed by the following vote:

Yeas—24.

Adams.	Masterson.
Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hume.	Terrell of McLennan.
Kellie.	Thomas.

Ward.	Weinert.
Watson.	Willacy.

Absent.

Harper.	Paulus.
Hudspeth.	Terrell of Bowie.
Mayfield.	Veale.
Meachum.	

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 10.

Senator Terrell of Bowie called up Senate bill No. 10, and on his motion the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—25.

Adams.	Perkins.
Alexander.	Real.
Brachfield.	Senter.
Bryan.	Stokes.
Cofer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Peeler.	

Absent.

Greer.	Mayfield.
Harper.	Paulus.
Hudspeth.	Veale.

The Chair laid before the Senate, on second reading,

Senate bill No. 10, A bill to be entitled "An Act to incorporate the Amarillo Independent School District, to provide for the election of trustees, the issuance of bonds, the repeal of the original independent school district for Amarillo, and creating an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Terrell of Bowie, the constitution rule requiring bills to be read on three several days was suspended and the bill put on its

third reading and final passage by the following vote:

Yeas—25.

Adams.	Perkins.
Alexander.	Real.
Brachfield.	Senter.
Bryan.	Stokes.
Cofer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of
Hume.	McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Peeler.	Willacy.

Absent.

Greer.	Mayfield.
Harper.	Paulus.
Hudspeth.	Veale.

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Perkins.
Alexander.	Real.
Brachfield.	Senter.
Bryan.	Stokes.
Cofer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Ward.
Masterson.	Watson.
Meachum.	Weinert.
Murray.	Willacy.
Peeler.	

Absent.

Greer.	Mayfield.
Harper.	Paulus.
Hudspeth.	Veale.

Senator Terrell of Bowie moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

The Senate was here at ease, and was called to order by Lieutenant Governor Davidson.

SENATE BILL NO. 17.

Senator Alexander called up Senate bill No. 17, and moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill be put on its second reading.

The motion was adopted by the following vote:

Yeas—24.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Weinert.

Nays—1.

Watson.

Absent.

Harper.	Terrell of Bowie.
Hudspeth.	Veale.
Paulus.	Willacy.

On motion of Senator Alexander, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—24.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hume.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Ward.
Mayfield.	Weinert.

Nays—1.

Watson.

Absent.

Harper.	Terrell of Bowie.
Hudspeth.	Veale.
Paulus.	Willacy.

The Chair laid before the Senate, on second reading,

Senate bill No. 17, A bill to be entitled "An Act to amend Article 642 of the Revised Civil Statutes of Texas, as amended by Chapter 130, Acts of the Twenty-fifth Legislature; Chapter 43, Acts of the Twenty-sixth Legislature; Chapter 43, Acts of the Twenty-seventh Legislature, and Chapter 129 of the Twenty-eighth Legislature; Chapter 62, Acts of the Twenty-ninth Legislature;

Chapter 150, Acts of the Thirtieth Legislature, by amending Subdivision 61 thereof, and authorizing the formation of corporations for the construction and operation of interurban, electric, gas or gasoline, denatured alcohol, or naphtha motor railways, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

(Senator Watson in the chair.)

Senator Alexander offered the following amendment, which was read and adopted:

Amend bill by inserting after the word "Legislature," page 2, line 6 of the bill, the following words: "And all the powers of whatsoever kind or character conferred by said act."

ALEXANDER,
SENTER.

Bill read second time, and ordered engrossed.

On motion of Senator Alexander, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hume.	Terrell of McLennan.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Harper.	Thomas.
Hudspeth.	Veale.
Paulus.	

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Kellie.
Alexander.	Masterson.
Brachfield.	Mayfield.
Bryan.	Meachum.
Cofer.	Murray.
Greer.	Peeler.
Hayter.	Perkins.
Holsey.	Real.
Hume.	Senter.

Stokes.	Ward.
Sturgeon.	Watson.
Terrell of Bowie.	Weinert.
Terrell of McLennan.	Willacy.

Absent.

Harper.	Thomas.
Hudspeth.	Veale.
Paulus.	

Senator Alexander moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

REASON FOR VOTING.

I vote for this bill because in my judgment it tends to promote the development of the State, but I shall register a protest against the method of submission of this subject by the Governor which seeks to limit the prerogative of the Legislature to a particular method of legislation upon a subject named. The precedent is one that ought not to be established. When the Governor seeks to limit the action of the Legislature upon a particular subject to provisions designated by himself, as he has done in this case, he usurps the authority of the Legislature, and becomes by direct act, the entire source of legislation. In my judgment the public welfare will be best subserved by a return to the constitutional system which assigns to the Executive the duty of enforcing laws and to the Legislature the power of framing laws.

SENTER.

HOUSE BILL NO. 16.

Senator Bryan called up House bill No. 16, and moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill be put on its second reading.

The motion was adopted by the following vote:

Yeas—26.

Adams.	Kellie.
Alexander.	Masterson.
Brachfield.	Mayfield.
Bryan.	Meachum.
Cofer.	Murray.
Greer.	Peeler.
Hayter.	Perkins.
Holsey.	Real.
Hume.	Senter.

Stokes. Ward.
Sturgeon. Watson.
Terrell of Bowie. Weinert.
Terrell of McLennan. Willacy.

Absent.

Harper. Thomas.
Hudspeth. Veale.
Paulus.

On motion of Senator Bryan, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—25.

Adams. Murray.
Alexander. Peeler.
Brachfield. Perkins.
Bryan. Real.
Cofer. Senter.
Greer. Stokes.
Hayter. Sturgeon.
Holsey. Terrell of Bowie.
Hume. Ward.
Kellie. Watson.
Masterson. Weinert.
Mayfield. Willacy.
Meachum.

Absent.

Harper. Terrell of McLennan.
Hudspeth. Thomas.
Paulus. Veale.

The Chair laid before the Senate, on second reading, House bill No. 16 (Stamford Independent School District bill).

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Bryan, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams. Masterson.
Alexander. Mayfield.
Brachfield. Meachum.
Bryan. Murray.
Cofer. Peeler.
Greer. Perkins.
Hayter. Real.
Holsey. Senter.
Hume. Sturgeon.
Kellie. Terrell of Bowie.

Terrell of McLennan. Watson.
Thomas. Weinert.
Ward. Willacy.

Absent.

Harper. Stokes.
Hudspeth. Veale.
Paulus.

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams. Murray.
Alexander. Peeler.
Brachfield. Perkins.
Bryan. Real.
Cofer. Senter.
Greer. Sturgeon.
Hayter. Terrell of Bowie.
Holsey. Terrell of McLennan.
Hume. Thomas.
Kellie. Ward.
Masterson. Watson.
Mayfield. Weinert.
Meachum. Willacy.

Absent.

Harper. Stokes.
Hudspeth. Veale.
Paulus.

Senator Bryan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

ADJOURNMENT.

On motion of Senator Kellie, the Senate adjourned until 10 o'clock tomorrow morning.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, April 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 11; A bill to be entitled "An Act to grant a charter to the city of Amarillo, Potter county, Texas; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Senter, Chairman; Peeler, Cofer, Holsey, Real, Willacy, Masterson, Hume, Terrell of McLennan, Alexander.

(Floor Report.)

Austin, Texas, April 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

House bill No. 15, A bill to be entitled "An Act to amend Subdivision 6, Section 8, Article 2, Chapter 71 of the local and special laws of Texas, passed at the Regular Session of the Thirtieth Legislature, entitled 'An Act to grant a new charter to the city of Dallas, repealing all laws or parts of laws in conflict herewith,' and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Senter, Chairman; Peeler, Cofer, Holsey, Real, Willacy, Masterson, Hume, Terrell of McLennan, Alexander.

(Floor Report.)

Austin, Texas, April 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

Senate bill No. 17, A bill to be entitled "An Act to amend Article 642 of the Revised Civil Statutes of Texas, as amended by Chapter 130, Acts of the Twenty-fifth Legislature; Chapter 43, Acts of the Twenty-sixth Legislature; Chapter 43, Acts of the Twenty-seventh Legislature, and Chapter 129 of the Twenty-eighth Legislature; Chapter 62, Acts of the Twenty-ninth Legislature; Chapter 150, Acts of the Thirtieth Legislature, by amending Subdivision 61 thereof, and authorizing the formation of corporations for the construction and operation of interurban, electric, gas or gasoline, denatured alcohol or naphtha motor railways, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Bruchfield, Chairman; Bryan, Masterson, Mayfield, Terrell of McLennan,

Holsey, Hume, Perkins, Meachum, Murray.

(Floor Report.) -

Austin, Texas, April 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We your Committee on Educational Affairs, to whom was referred

House bill No. 16, A bill to be entitled "An Act creating the Stamford Independent School District in Jones county, Texas; defining its boundaries; providing for the election of a board of trustees to manage and control the public free schools in said district; investing said district with the rights, powers and privileges and duties of a town or village incorporated for free school purposes only under the general laws, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Sturgeon, Real, Bryan, Willacy, Weinert, Brachfield.

(Floor Report.)

Austin, Texas, April 16, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

Senate bill No. 10, A bill to be entitled "An Act to incorporate the Amarillo Independent School District; to provide for the election of trustees; the issuance of bonds; the repeal of the original independent school district for Amarillo; and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Meachum, Willacy, Sturgeon, Bryan, Real.

Committee Room,

Austin, Texas, April 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 6, A bill to be entitled "An Act to authorize and permit the territory situated within the bounds of the town of Myra in the county of Cooke and State of Texas, and other lands and territory adjacent thereto, to incorporate as an independent school district, for free school purposes only, to be

known as the Myra Independent School District, with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, April 19, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 8, A bill to be entitled "An Act to amend Section 61 of an act passed by the Legislature of the State of Texas, in April, 1905, entitled 'An Act to incorporate the city of Cleburne in Johnson county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs,' same being Chapter 47 of the Special Laws of Texas of 1905, so as to authorize the city council to vacate and close streets and alleys and to cede the same or any part thereof, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

PETITIONS AND MEMORIALS.

The Chair had the following read to the Senate:

Italy, Texas, April 13, 1909.

Hon. A. B. Davidson, President of the Senate, Austin, Texas:

We, your petitioners, respectfully represent that we are citizens of Ellis county, and of political faith Democrats, and are farmers and business men. As such citizens we wish to enter our protest against the passage of any bill which has for its object the guaranteeing of deposits, in banks, by forcing such banks into a co-partnership, against their will, with other banks for the sole purpose, of forcing the solvent and well managed bank to pay the losses of the ill managed and insolvent banks. Such a law would be manifestly unjust, socialistic, and out of harmony with what we regard as true democracy. Such a measure, if passed, would result in a great injury to our entire peoples.

Trusting that political passion and prejudice may be abandoned, and that reason may reign in the consideration of this vital question, we subscribe ourselves,

Numerously signed.

Hon. A. B. Davidson, Lieutenant Governor, State of Texas, Austin, Texas.

Dear Sir: We, your petitioners and Democratic voters of Henderson county, desire through you to express our hearty commendation and endorsement to the seventeen Senators who have, through their votes and influence on the bank guaranty question, stood for sound Democratic principles. The Senter-Hume bill, in our opinion, will be an absolute guarantee for the depositors in our banks, and has no tendency to Socialism which compels the solvent bankers to pay losses of incompetent bankers.

We believe 75 per cent of the voters of this county favor the Senter-Hume bill.

Numerously signed.

By Senator Real:

San Antonio, April 14, 1909.

Hon. Julius Real, Senator, Austin, Texas.

Dear Sir: The undersigned merchants and business men, representing the class which it is claimed would be the beneficiaries of a bank guaranty law, beg to protest earnestly against the passage of such law which we believe to be not based on sound principles of business integrity, and, therefore, not desired by bank depositors as a class.

We have been much pleased with the stand taken by a majority of the Senate, and beg you to convey to them our appreciation as well as our confident belief that they will not permit themselves to be swerved from the sound position heretofore held by them.

With best wishes,

Numerously signed.

By Senator Perkins:

Quinlan, Texas, April 14, 1909.

Hon. Tom Perkins, Senate, Austin, Texas.

Dear Sir: We note you have given to the press several telegrams and communications from bankers and a few others who are in line with your way of thinking on the bank guaranty law that has been before the Senate, but have failed to give out the petitions from those favoring the Cureton bill, of which you have surely received many, including one from this place containing forty-two names and could have as easily contained 1000, not a man refusing to sign that had an opportunity.

It remains to be seen whether the

bankers are in the majority in your district. Give each side a square deal is all we ask.

Numerously signed.

By Senator Senter:

Hon. A. B. Davidson, President of the Senate, Austin, Texas:

We, the undersigned Democratic voters of Tarrant county, Texas, hereby represent to the honorable body, of which you are President, that in voting for the platform demands of the Democratic party at the last State election, it was not our intent to make any demands calling for legislation or innovations at variance with the time-honored principles of the Democratic party.

That we have all becoming and deferential respect for the leaders of our party, both National and State, both legislative and executive, in proportion to their adherence to true Democratic principles; but we deplore and condemn any tendency or effort, intentional or otherwise, on the part of any of them to lead the Democratic party astray, or force it into actions more tainted with Populism than bearing the native hues of democracy.

That we favor any bank guaranty under which each bank can be responsible for its own goodness, or want thereof; but we do not believe it to be just, reasonable or Democratic to require the good to pay the debts of the bad, or to penalize the competent for the benefit of the incompetent; and we do not believe that any necessity or emergency exists sufficient to justify the commitment of the Democratic party to such a policy.

Numerously signed.

FIFTH DAY.

Senate Chamber,
Austin, Texas,

Tuesday, April 20, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

The roll was called, a quorum being present, the following Senators answering to their names:

Adams.	Hayter.
Alexander.	Holsey.
Brachfield.	Hudspeth.
Bryan.	Hume.
Cofer.	Kellie.
Greer.	Masterson.
Harper.	Mayfield.

Meachum.	Terrell of Bowie.
Murray.	Terrell of McLennan.
Peeler.	Thomas.
Perkins.	Ward.
Real.	Watson.
Senter.	Weinert.
Stokes.	Willacy.

Absent.

Paulus.	Veale.
Sturgeon.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

EXCUSED.

On account of important business:

Senator Hudspeth for yesterday, on motion of Senator Adams.

Senator Harper for yesterday, on motion of Senator Mayfield.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 20, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 6, A bill to be entitled "An Act making appropriation for the deficiencies in the appropriations heretofore made for the support of the State government for the fiscal years ending August 31, 1905, August 31, 1906, August 31, 1907, August 31, 1908, and August 31, 1909, and to pay deficiencies such as may occur and be approved by the Governor during the fiscal years ending August 31, 1909, August 31, 1910, and August 31, 1911, being for claims registered in the Comptroller's office in accordance with law, and for outstanding claims not registered, and declaring an emergency."

House bill No. 26, A bill to be entitled "An Act to amend Chapter 17 of the General Laws, passed by the Regular Session of the Twenty-eighth Legislature, entitled 'An Act to create the Fifty-second Judicial District of the State of Texas, composed of the counties of Coryell, Hamilton and Comanche; to provide for the present district judge of the Forty-seventh District acting as judge of the Fifty-second District